

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2014-005340-001 DT

09/01/2015

HONORABLE MARGARET R. MAHONEY

CLERK OF THE COURT

A. Gonzalez

Deputy

STATE OF ARIZONA

KAREN E KOMRADA

v.

MICHELLE MARIE GREEN (001)

DOB: 11/10/1981

BRIAN CHRISTOPHER DE LA TORRE

APO-SENTENCINGS-CCC

APPEALS-CCC

DISPOSITION CLERK-CSC

RFR

SUSPENSION OF SENTENCE - PROBATION GRANTED

COURTROOM – SCT 8A

10:23 a.m. This is the time set for Sentencing in CR2014-002689-001, CR2014-005340-001 and CR2014-120892-001.

State's Attorney: Robert Beardsley for Analise Vela

Defendant's Attorney: Brian Christopher De La Torre

Defendant: Present

Court Reporter: Crystal Hereford

A record of the proceeding is also made by audio and/or videotape.

Counsel make statements and sentencing recommendations to the Court and the Defendant makes a statement on her own behalf.

Count 1 As Amended: WAIVER OF TRIAL: Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

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OFFENSE: Count 1 As Amended Aggravated Driving or Physical Control While Under the Influence of Intoxicating Liquor or Drugs (Ignition Interlock)

Class 4 Felony

A.R.S. § 28-1381(A)(1), 28-1383(A)(4), 28-3001, 28-3304, 28-3305, 28-3315, 28-1444, 28-1641, 13-610, 13-701, 13-702, 13-801

Date of Offense: May 3, 2014

Non Dangerous - Non Repetitive

IT IS ORDERED suspending imposition or execution of sentence and, under the supervision of the Adult Probation Department (APD), placing the Defendant on probation for:

COUNT 1 – Probation Term: 3 YEARS.

TO BEGIN: September 1, 2015.

IT IS ORDERED that probation in Count 1 shall run concurrent with probation in CR2014-002689-001 and CR2014-120892-001.

Condition 6: Report to the APD within 72 hours of sentencing, absolute discharge from prison, release from incarceration, or residential treatment and continue to report as directed. Keep APD advised of progress toward case plan goals and comply with any written directive of the APD to enforce compliance with the conditions of probation. Provide DNA testing if required by law.

Condition 8: Request and obtain written permission of the APD prior to leaving the State.

Condition 15: Restitution, Fines and Fees:

PROBATION SERVICE FEE: Count 1 - \$65 per month beginning November 1, 2015.

DUI Abatement Fund: Count 1 - \$250 payable \$25 per month beginning November 1, 2015.

FINE: Count 1 - Total amount of \$1,372.50 which includes surcharges of 83% payable \$25 per month beginning November 1, 2015.

PRISON CONSTRUCTION & OPERATIONS FUND: Count 1 - \$1,500 payable \$50 per month, beginning November 1, 2015.

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Count 1: \$1,500 payable \$50 per month to the Public Safety Equipment Fund pursuant to A.R.S. § 41-1723 beginning November 1, 2015.

PROBATION SURCHARGE: Count 1 - \$20 payable on November 1, 2015.

Count 1: Time payment fee pursuant to A.R.S. § 12-116 in the amount of \$20 payable on November 1, 2015.

PENALTY ASSESSMENT - A.R.S. §12-116.04: Count 1 - \$13 payable on November 1, 2015, to the Investigative Agency: Peoria Police Department.

All amounts payable through the Clerk of the Superior Court.

Condition 16: Not consume or possess any substances containing alcohol.

Condition 22: Substance abuse treatment

IT IS FURTHER ORDERED that Defendant shall submit to fingerprint identification processing by the Maricopa County Sheriff's Office if directed to do so by the Adult Probation Department. The Adult Probation Department shall direct any Defendant placed on probation who has not already had a State Identification Number (SID) established to submit to fingerprint processing.

Defendant is advised pursuant to A.R.S. § 13-805 that failure to maintain contact with the Probation Department may result in the issuance of:

1. A criminal restitution order in favor of the state for the unpaid balance, if any, of any fines, costs, incarceration costs, fees, surcharges or assessments imposed.
2. A criminal restitution order in favor of each person entitled to restitution for the unpaid balance of any restitution ordered.

IT IS ORDERED granting the Motion to Dismiss Counts 2 through 4.

IT IS ORDERED exonerating any bond previously posted in this matter to the party posting same.

IT IS FURTHER ORDERED that Defendant must submit to DNA testing for law enforcement identification purposes in accordance with A.R.S. §13-610.

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The Presentence Investigation Report contains multiple cause numbers, and is filed under CR2014-002689-001.

IT IS ORDERED revoking Defendant MICHELLE MARIE GREEN's (dob 11/10/1981) driver's license and driving privilege. Defendant shall not operate a motor vehicle without a valid driver's license. Defendant shall pay for and stall a certified ignition interlock device if and when Defendant's driving privileges are reinstated. The Disposition Clerk is directed to forward a certified abstract and copy of this sentencing minute entry to the State of Arizona Motor Vehicle Division.

11:01 a.m. Matter concludes.

IT IS ORDERED that defense counsel shall preserve Defendant's file for post-conviction relief purposes. If defense counsel receives notice that Defendant is seeking post-conviction relief, counsel shall prepare the file for delivery to PCR counsel and shall make timely arrangements for the exchange thereof when notified. Further, upon exchange of the file, defense counsel shall file with the court a Notice of Compliance that shall, at a minimum, include date of compliance, recipient of the file, and an itemization of contents of the file. A copy of the Notice shall be provided to PCR counsel, the State and the PCR Unit.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.

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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ Margaret R. Mahoney

HONORABLE MARGARET R. MAHONEY
JUDGE OF THE SUPERIOR COURT

(right index fingerprint)